



September 9, 1999

Ms. Martha Williams
General Counsel
Port of Houston Authority
P.O. Box 2562
Houston, Texas 77252-2562

OR99-2509

Dear Ms. Williams:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128269.

The Port of Houston Authority (the "Authority") received a request to review certain environmental files. You claim that portions of the requested information are excepted from disclosure under sections 552.101, 552.103, 552.104, 552.107, 552.110 and 552.111 of the Government Code.

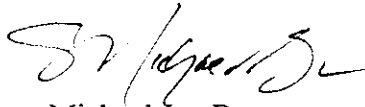
Pursuant to section 552.301(b), a governmental body is required to submit to this office (1) general written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld, (2) a copy of the written request for information, and (3) a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents.

Pursuant to section 552.303(c) of the Government Code, this office notified you by facsimile dated, August 5, 1999, that you had failed to submit the information required by section 552.301(b), specifically a copy of the requested information and your comments stating the reasons why the stated exceptions apply that would allow the information to be withheld. We requested that you provide this information to our office within seven days from the date of receiving the notice. The notice further stated that under section 552.303(e) failure to comply would result in the legal presumption that the information at issue was public. *See* Open Records Decision No. 497 (1988) (fact that submitting copies for review to Attorney

General may be burdensome does not relieve a governmental body of the responsibility of doing so). As of the date of this letter, you have not provided our office with the information that was requested. Therefore, as provided by section 552.303(e), the information that is the subject of this request is presumed to be public. In the absence of a demonstration that the information is confidential by law or that other compelling reasons exist as to why the information should not be made public, you must allow access to the information in your possession to the requestor. Open Records Decision No. 195 (1978). *See also* Gov't Code § 552.352 (the distribution of confidential information is a criminal offense).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "MJ Burns", is written over the typed name.

Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 128269

cc: Ms. Gina G. Stephenson
Eviron
2625 Bay Area Boulevard, Suite 540
Houston, Texas 77058